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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Andrew Joseph Travaly

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07/11/2006

NIXON & VANDERHYE P.C.  
901 NORTH GLEBE ROAD, 11TH FLOOR  
ARLINGTON, VA 22203

EXAMINER

KOSOWSKI, ALEXANDER J

ART UNIT

PAPER NUMBER

2125

DATE MAILED: 07/11/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/844,270

Applicant(s)

TRAVALY ET AL.

Examiner

Alexander J. Kosowski

Art Unit

2125

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on the RCE filed 6/13/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 4/30/01, 11/10/05 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. The amendment filed 4/13/06 along with an RCE has been received and considered.

Claims 1-22, as amended, are presented for examination.

2. Examiner would like to comment on applicant's failure to properly amend the claims by not following the guidance set forth in 37 CFR 1.121. The amendment is supposed to identify added language by underlining the text and is supposed to strike through or use double brackets to indicate deleted material. Also the listing of claims are supposed to provide proper status identifiers for each of the claims. Applicant has failed to follow this guidance in the amendment submitted 4/13/06 along with an RCE. For example, in claim 1, lines 3-4, the limitation "one processor system" appears to be added in the amendment filed 4/13/06, but this limitation was actually already present in the amendment filed 11/10/05. Also as an example, in claim 10 line 5, the limitation "wireless" and "access point" appear to be newly added, but were already present in the previous amendment. Examiner takes issue with the quality of the submitted amendment and requests that applicant make sure that any future amendments be submitted in accordance with the practices and procedures set forth by the office. Examiner also requests that any replies to this office action include both a clean copy of the claims, as well as a marked up version in proper format.

***Claim Objections***

3. Claims 1 and 8 are objected to because of the following informalities:

Claim 1 lines 12-13 refer to “said at least one interface device”, as currently amended, this should read “said at least one wireless communications interface device”, reference to the same limitation should remain consistent to avoid any confusion or possible antecedent issues.

Claim 8 line 3 recites “said server computer system”. This should read --said network server computer system--.

Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 10, 11, 16-19, 21 and 22 are rejected under 35 U.S.C. 102(e) as being anticipated by Petrie et al (U.S. Pat 6,882,904). The claimed invention reads on Petrie et al as follows:

Petrie et al discloses (claim 10) a field engineering communication network (figures 4-7), said network comprising a controller coupled to said power plant to control a gas turbine (col. 3 lines 31-36 and reference number 107, 108) and at least one wireless communications access point interface communicatively coupled to said controller (reference number 15, 17, to 310, figure 7), said interface communicating wirelessly with at least one of a mobile computing system and a wearable computer carried by a mobile user (reference number 15, 17, figure 7),

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said controller receiving instructions from one of said mobile computing system and a wearable computer carried by a mobile user for controlling said gas turbine (col. 11 line 36 – col. 12 line 50, col. 12 line 60 – col. 13 line 9, reference number 680a, figure 6 controls), (claim 11) a local area network (LAN) in communication with said at least one wireless access point interface (col. 12 lines 60-65), at least one terrestrial satellite communications antenna assembly having a transceiver system for transmitting and receiving signals from said at least one wireless communications access point interface (reference number 15, 17, inherent to a wireless device), and at least one network server computer system communicatively coupled to said at least one terrestrial satellite communications antenna assembly via a wireless communication network, said server including a database for storing application data accessible by the mobile user (figure 7 all devices connected by the network, col. 10 lines 48 – col. 11 line 35, col. 12 line 60 – col. 13 line 9), (claim 16) In a power plant of the type having a gas turbine (figures 5-7, col. 2 line 50, 63, col. 5 lines 35-38), a method of enabling a mobile field service engineer to monitor and control the power plant (col. 10 line 65 – col. 11 line 10), comprising receiving power plant data by at least one processor system having a controller for a gas turbine (reference number 107, 108, col. 10 line 65 – col. 11 line 10), forwarding the received data to at least one of a mobile unit and a wearable computer carried by a mobile user via an interface device (col. 12 line 60 – col. 13 line 9), inspecting the received data to assess power plant operability (col. 10 line 65 – col. 11 line 10), receiving from a remote server, by at least one of said mobile unit and a wearable computer via a wireless network, application software and/or control data or command data for controlling the operation of the power plant (col. 12 lines 39-50) and instructing the controller to vary the gas turbine power plant operation in accordance with said receiver

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application software or control data or command data (reference number 6, 7, col. 11 lines 36 – col. 13 line 9, reference number 680a, figure 6), (claim 17) forwarding power plant data to a remote user via a wireless communication network (col. 8 lines 53-57), (claims 18, 19, 21 and 22) are considered various combinations and variations of the claim limitations addressed above, also considered anticipated. Examiner would like to point out that any reference to specific figures, columns and lines should not be considered limiting in any way, the entire reference is considered to provide disclosure relating to the claimed invention.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-9, 12-15 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Petrie et al (U.S. Pat 6,882,904) in view of Perkins et al (U.S. Pat 6,496,477).

Petrie et al teaches most all of the instant invention as applied to claims 10, 11, 16-19, 21 and 22 above. Petrie et al also teaches a system for digitization of work processes in a power plant having a gas turbine (figures 5-7, col. 2 line 50, 63, col. 5 lines 35-38), at least one processor system having a controller (reference number 107, 108, col. 10 line 65 – col. 11 line 10), said at least one processor system receiving power plant data, and said controller controlling said gas turbine (col. 10 line 65 – col. 11 line 10), at least one wireless communications interface device communicatively coupled to said at least one processor system for wirelessly

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communicating the data received from the power plant by the processor system to at least one of a mobile computing system and a computer system carried by a mobile user (figure 7, reference numbers 15, 17, col. 12 line 60 – col. 13 line 9), said controller capable of receiving instructions from at least one of said mobile computer system or said wireless computer system carried by a mobile user to control the gas turbine (reference number 6, 7, col. 11 line 36 – col. 12 line 50, col. 12 line 60 – col. 13 line 9, reference number 680a, figure 6 controls), a local area network (LAN) in communication with said at least one interface device (col. 12 lines 60-65), at least one antenna assembly having a transceiver system for transmitting and receiving signals from said at least one wireless communications interface device (reference numbers 15, 17, inherent), and a network server computer system communicatively coupled to said at least one antenna assembly via a wide area communication network (reference number 310) said server computer system including a database for storing application data accessible by the mobile user (col. 10 line 48 – col. 11 line 35, col. 12 line 60 – col. 13 line 9), (claim 2) wherein said at least one wireless communications interface device is a wireless access point device, and said wireless computer system carried by said mobile user is a wearable computer (reference number 15, 17, Examiner considers 15 and 17 as wireless access point devices and are wearable either through a belt clip, holder or placing in a pocket), (claim 3) wherein said access point device is capable of communicating the data received from the processor system to the server computer via said LAN (figure 7) and (claim 9) wherein said wireless access point is capable of operating on DC power (inherent, mobile phones and PDAs operate on DC power).

Petrie et al fails to teach that the system and networks contain the following elements: a wireless hub router, a private branch exchange network (PBX), a voice over IP (VOIP) gateway, an ethernet interface, an ATM network and communicating data via a terrestrial orbiting satellite.

Perkins et al teaches a network that contains each of the above elements and is used for communicating with wearable communication and control devices (all).

Petrie and Perkins et al are analogous art because they are both related to data transfer over network communications.

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the well known elements of the communication networks of Perkins et al in the communication and control network of Petrie et al because these elements are well known in the art of network communications and Perkins et al teaches the improved deliver of real-time information from a sender computer to a receiver computer coupled to the sender computer wherein packets sometimes become lost. Using at least one path in the packet network and at least one path-diversity path in the packet network to the same receiver computer (col. 2 lines 15-24) improving packet delivery reliability.



***Response to Arguments***

8. Applicant's arguments filed 4/13/06 have been fully considered but they are not persuasive.

Applicant argues that Petrie “does not teach or suggest wireless monitoring and control of power plant operations”, nor “a controller...for controlling said gas turbine”, nor “instructing the controller...to vary the gas turbine...”, as recited in applicant’s claims 10-11, 16-19 and 21-22. In response, examiner notes that Petrie discloses in col. 3 lines 30-44 that “The disclosed invention, a communications and control management system for electric power assets (generators and storage devices), satisfies the aforementioned need in the art by disclosing a micro-grid including multiple distributed resource assets (e.g. distributed generation and storage) connected by a communications network to a central management and control center so that the operation of the assets can be coordinated and the aggregate of assets can be operated as a single plant. The management and control center receives operation and performance data from a plurality of electric power devices, and data concerning current electric power requirements and manages the operation of the electric power devices to optimize the operation of the electric power assets.” This clearly teaches control of power plant assets including gas turbine generators, and therefore arguments are not persuasive.

Applicant argues that Perkins does not “teach or suggest a system having a gas turbine controller...”, as well as that Perkins does not teach other specific aspects of claim 1. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re*

*Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicants arguments are addressed at claim limitations taught by Petrie in the rejection above. Perkins is a secondary reference intended to teach only the limitations which are missing from Petrie.

Applicant argues that no teaching has been provided to suggest obviousness of modifying the communications network of Petrie et al. Examiner contends that a proper prima facie case of obviousness has been established and the rejection is maintained, also the argument of hindsight reconstruction is without merit because the Examiner is not relying upon hindsight reconstruction.

In addition, regarding applicants amendment adding that the orbiting satellite antenna assembly is a “terrestrial” orbiting satellite, examiner notes that all satellites can be considered “terrestrial orbiting” satellites. In addition, examiner notes that applicant’s specification does not even utilize the word “terrestrial”, and it is therefore given its normal meaning by the examiner.

### ***Conclusion***

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander J Kosowski whose telephone number is 571-272-3744. The examiner can normally be reached on Monday through Friday, alternating Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner’s supervisor, Leo Picard can be reached on 571-272-3749. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. In addition, the examiner’s RightFAX number is 571-273-3744.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

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Alexander J. Kosowski

Patent Examiner

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A handwritten signature in black ink, appearing to read "Alex Kosowski", written in a cursive style.